

### **REMARKS**

The Official Action mailed December 3, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to June 3, 2004. Accordingly, the Applicants respectfully submit that this response is being timely filed.

It is noted that the Patent Application Information Retrieval (PAIR) database continues to show a priority claim to Serial No. 08/217,211, filed March 24, 1994, now abandoned. The Applicants requested that the priority claim to the '211 application be deleted in the *Preliminary Amendment* filed July 24, 2000. The Applicants hereby request that a *Corrected Filing Receipt* be issued showing that the present application Serial No. 08/818,884, filed March 17, 1997, is a Continuation of 08/350,168, filed November 30, 1994, now abandoned, and that the priority claim to the '211 application be deleted. The Applicants also request correction to the electronic databases, as appropriate.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on August 13, 1998, June 2, 1999, February 1, 2000, June 24, 2000, November 27, 2001, May 17, 2002, December 10, 2002, and June 2, 2003.

For the third time, the Applicants note the *partial* consideration of the Information Disclosure Statements filed on October 24, 2000, and December 20, 2000. Specifically, the Applicants await consideration of 20 foreign references cited on page 5 of the IDS filed October 24, 2000; 19 foreign references cited on page 6 of the IDS filed October 24, 2000; 17 foreign references cited on page 7 of the IDS filed October 24, 2000; 15 foreign references cited on page 8 of the IDS filed October 24, 2000; and two non-patent literature documents cited on page 9 of the IDS filed October 24, 2000, and on page 1 of the IDS filed December 20, 2000. Despite two earlier attempts to bring this matter to the attention of the Examiner, the Examiner has yet to address the Applicants request.

As noted previously, in a *Supplemental Response* dated May 31, 2002, and received by OIPE on June 6, 2002, the Applicants submitted the references missing from the Information Disclosure Statements filed on the October 24, 2000, and December 20, 2000. Based on the fact that the post card which accompanied the *Supplemental Response* was stamped on June 6, 2002, the Applicants believe that the Examiner should now have access to all of the references cited in the Information Disclosure Statements filed on October 24, 2000, and December 20, 2000. Therefore, the Applicants again respectfully request that the Examiner provide initialed copies of the Forms PTO-1449 evidencing consideration of all the references cited in the Information Disclosure Statements submitted October 24, 2000, and December 20, 2000. As a courtesy to the Examiner, the Applicants have submitted the partially considered Forms PTO-1449, i.e. pages 5-9 of the IDS of October 24, 2000, and page 1 of the IDS of December 20, 2000, which were initialed by the Examiner on January 9, 2002, and a clean copy of the same. If there are any particular references that cannot be located by the Examiner in the present application, the Applicants request that such references be identified in a subsequent communication.

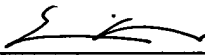
Claims 1-3, 6, 7, 9, 10, 17-24, 26, 27, 30-33, 36-43, 51-54 and 56-63 were pending in the present application prior to the above amendment. Claims 56-63 have been canceled, independent claims 1, 7, 17, 21, 32, 36, 38 and 51 have been amended such that they appear as they did after the *Amendment After Final* filed December 10, 2002. It is noted that only an obviousness-type double patenting rejection was pending against the claims on December 10, 2002. Also, new claims 64-71 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 1-3, 6, 7, 9, 10, 17-24, 26, 27, 30-33, 36-43, 51-54 and 64-71 are now pending in the present application, of which claims 1, 7, 17, 21, 32, 36, 38 and 51 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1-3, 6, 7, 9, 10, 17-24, 26, 27, 30-33, 36-43, 51-54 and 56-63 under the doctrine of obviousness-type double patenting over the combination of claims 3, 13 and 17 of U.S. Patent No. 5,889,291 to Koyama et al. and JP 3-221922 to Hatano et al.

In response to this rejection, a *Terminal Disclaimer* will be filed as soon as it is complete and received from Japan.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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